



3732 Tularosa

JAN 28 2004



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COUNCIL AGENDA ITEM # ____ FOR
TUESDAY, FEBRUARY 3rd, 2004

BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
January 28, 2004

TO: The Honorable Mayor and City Council

THROUGH: R. Alan Shubert, P. E. - Building Permits and Inspections Director

FROM: Tom Maguire, Housing Compliance Supervisor

SUBJECT: 3732 Tularosa Avenue (Rep. District #8)

The following is a brief chronology of the investigation of the referenced location:

- 1) First investigated May 6th, 2003. The building was found to be open and abandoned and in an advanced state of disrepair. The building has been used as a harborage by unwanted persons.
- 2) A certified condemnation letter was mailed to Rosa I. Rocha and Ana A. Rocha, 9225 Sorbonne Drive, El Paso, Texas 79907.
- 3) Certified notices of the public hearing scheduled February 3rd, 2004 were mailed to the owners and all interested parties on January 16th, 2004.
- 4) As of January 28th, 2004, \$862.55 are owed in taxes.
- 5) There has been insufficient response from the owner.

The Department recommends that it be found:

- 1) That the main structure and accessory building be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the buildings are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the structure's certificate of occupancy be revoked; and
- 4) That the structure can be repaired; and
- 5) That the main structure be secured within 30 days and maintained secure until rehabilitated to meet the current codes; and
- 6) That the accessory structure be demolished within 30 days; and
- 7) That the premises be cleaned of all weeds, trash and debris within 30 days.

copy

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING Jr.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

BUILDING PERMITS AND INSPECTIONS
CODE COMPLIANCE
September 26, 2003

Rosa I. Rocha
Ana A. Rocha
9225 Sorbonne Dr.
El Paso, Texas 79907-3351

Re: 3732 Tularosa Ave.
Lot: 17
Blk: 1, Government Hill
Zoned: R-5
COD03-15293
Certified Mail Receipt #
7003 1010 0004 5303 8919

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.52.030 - Unsafe Structures - Owner Not To Allow Condition To Continue, which states:

It is unlawful for the owner of any building or structure, or part thereof, which has become unsafe and dangerous so as to endanger persons or property, or so as to be a fire hazard by reason of defective construction, overloaded floors, lack of guards against fire, defective condition of the foundations, walls, or parts thereof, or deterioration caused by fire or otherwise, or for any reason, to allow or permit same to remain upon any real estate within the City.

The El Paso Municipal Code Chapter 18.52.040 - unsafe structures - Remedial action by owner or City defines unsafe structure as a structure or part thereof that is:

- a. Dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare; or
- b. Regardless of its structural condition, unoccupied by its owners, lessees or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or
- c. Boarded up, fenced, or otherwise secured in any manner in if:

3732 Tularosa Avenue

- i. The building constitutes a danger to the public even though secured entry, or
- ii. The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by subsection.

The structure located at 3732 Tularosa Avenue has the following violations:

- a. The foundation has not been maintained in a safe manner.
- b. The floors have not been maintained in a safe manner.
- c. The walls have not been maintained in a safe manner free of holes and cracks.
- d. The roof structure has not been maintained free of defects that may cause leaks.
- e. The means of egress is/are inadequate and do not meet minimum code requirements.
- f. The plumbing system is inadequate and does not meet minimum code requirements.
- g. The electrical system is inadequate and does not meet minimum code requirements.
- h. The HVAC system is inadequate and does not meet minimum code requirements.
- i. The structure is open and accessible to unauthorized entry.
- j. The premises are full of weeds, trash, and debris.
- k. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within thirty (30) days from receipt of this letter.
- l. This case is being submitted to the City Attorney's office for unsafe structures proceedings. The City Council will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Sec. 18.52.040 of the El Paso Municipal Code.

3732 Tularosa Avenue

If you have any plans, reports or current permits which pertain to the property, you must submit them prior to this hearing to Building Permits and Inspections or bring them to Council Chambers the day of the hearing. Without these documents, no extensions of the deadlines can be granted.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 541-4800.

FOR THE DIRECTOR FOR BUILDING PERMITS AND INSPECTIONS:

A handwritten signature in black ink, appearing to read 'Leo CassoLopez', with a stylized flourish at the end.

Leo CassoLopez
Building Inspector

LC/rl

7003 1010 0004 5303 8919

U.S. Postal Service	
CERTIFIED MAIL RECEIPT	
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information, visit our website at www.usps.com	
OFFICIAL USE	
Postage \$	Postmark Here SEP 29 2003
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Rosa I. Rocha Ana A. Rocha 9225 Sorbonne Dr. El Paso, Texas 79907-3351 Re: 3732 Tularosa Ave.	
PS Form 3811, June 2002 See Reverse for Instructions	

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

LC
Rosa I. Rocha
Ana A. Rocha
9225 Sorbonne Dr.
El Paso, Texas 79907-3351
Re: 3732 Tularosa Ave.

2. Article Number
(Transfer from service label)

PS Form 3811, August 2001

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [Signature] ☐ Agent ☐ Addressee
B. Received by (Printed Name) C. Date of Delivery
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

7003 1010 0004 5303 8919

Domestic Return Receipt

102595-01-M-2509

6

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 3rd day of February, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 3732 Tularosa Avenue, in El Paso, Texas, which property is more particularly described as:

Lot: 17, Block 1, Government Hill Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 11, Page 58, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Rosa Irene Rocha and Ana Rocha Aragon, Individually and Ana R. Aragon, Independent Administratrix of the Estate of Mariana Rocha, Deceased, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

CERTIFIED MAIL RECEIPT #7003 1680 0000 1712 1807

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

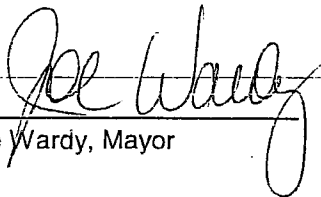
Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Adopted this 2nd day of January, 2004.

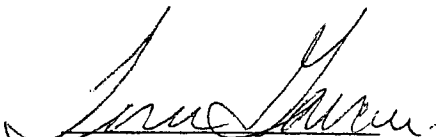
THE CITY OF EL PASO


Joe Wardy, Mayor


ATTEST:


Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:


Teresa Garcia
Assistant City Attorney

APPROVED AS TO CONTENT:


R. Alan Shubert, P. E.
Building Permits and Inspections Director

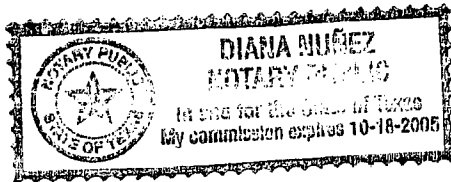
I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice dated January 2nd, 2004 regarding the property located at 3732 Tularosa Avenue, El Paso, Texas, was filed with the County Clerk's Office, the official public records of real property for El Paso County.

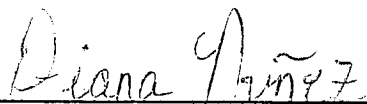

Richarda Duffy Momsen

Executed this 2nd day of January, 2004 on behalf of
the City of El Paso, Texas, by Richarda Duffy Momsen in her capacity as City Clerk.

STATE OF TEXAS
COUNTY OF EL PASO

Subscribed and sworn to before me, this 7th day of January, 2004.




Notary Public

I certify that a true and correct copy of the foregoing Notice dated January 2nd, 2004 regarding the property at 3732 Tularosa Avenue, El Paso, Texas, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Eduardo Rocha
7115 Alameda Ave., #8
El Paso, Texas 79915

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated January 2nd, 2004 regarding the property at 3732 Tularosa Avenue, El Paso, Texas, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Ernesto and Ana Aragon
9225 Sorbonne
El Paso, Texas 79907

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated January 2nd, 2004 regarding the property at 3732 Tularosa Avenue El Paso, Texas, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

United States Attorney
ATTN: Collections
727 E. Durango B-506
San Antonio, Texas 78206-1199

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated January 2nd, 2004 regarding the property at 3732 Tularosa Avenue, El Paso, Texas, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

United States Attorney
Financial Litigation Unit
727 East Durango A-601
San Antonio, Texas 78206

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated January 2nd, 2004 regarding the property at 3732 Tularosa Avenue, El Paso, Texas, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Enrique N. Medrano
Attorney at Law
2411 Montana Ave.
El Paso, Texas 79903

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated January 2nd, 2004 regarding the property at 3732 Tularosa Avenue, El Paso, Texas, was (HAND-DELIVERED) to:

City of El Paso
C/O City Clerk
#2 Civic Center Plaza
El Paso, TX 79901

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice day January 2nd, 2004 regarding the property at 3732 Tularosa Avenue, El Paso, Texas, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe
AKA Tigua Indian Community
119 S. Old Pueblo Road
El Paso, Texas 79907

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated January 2nd, 2004 regarding the property at 3732 Tularosa Avenue, El Paso, Texas, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

El Paso Central Appraisal District
5801 Trowbridge Ave.
El Paso, Texas 79925

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice was POSTED at
3732 Tularosa Avenue, El Paso, Texas.

Date: _____

Time: _____

Inspector

7003 1680 0000 1712 1807

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage \$	JAN 16 2004 Postmark Here
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Rosa Irene Rocha & Ana Rocha Aragon, Individually and Ana R. Aragon, Independent Administratrix of the Estate of Maria Rocha, Deceased 9225 Sorbonne Dr. El Paso, TX 79907 Re: 3732 Tularosa Ave. LCL	
PS Form 3800, June 2002	



CONDEMNATION REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: January 12, 2004

REP. DISTRICT: 8

ADDRESS: 3732 Tularosa (Front)

ZONED: R-5

LEGAL DESCRIPTION: Lot 17, Block 1, GOVERNMENT HILL ADDITION, an Addition to the City of El Paso, El Paso County, Texas, according to the Map thereof on File in Book 11, Page 58, Plat Records of El Paso County, Texas.

OWNER: Rosa Irene Rocha and Ana Rocha Aragon Individually and Ana R. Aragon, Independent Administratrix of the Estate of Mariana Rocha, Deceased.

ADDRESS: 9225 Sorbonne Dr.
El Paso, Texas 79907

BUILDING USE: Abandoned, single-family dwelling

TYPE OF CONSTRUCTION: V, Masonry Block Walls with Wood frame roof.

FOOTINGS: Reinforced concrete

CONDITION: Unable to determine condition of footing due to subterranean placement. A structural engineer should be hired to evaluate actual condition.

FOUNDATION WALL: N/A

CONDITION: N/A

FLOOR STRUCTURE: Concrete.

CONDITION: Unable to determine condition of Floor due to floor covering.

EXTERIOR WALLS: Masonry Block

HEIGHT: 8'

THICKNESS: 8" +/-

CONDITION: Poor. Major cracks noted. A bonded and insured contractor should be hired to evaluate condition and make repairs.

INTERIOR WALLS & CEILINGS: Wood frame, plaster/drywall.
CONDITION: Fair. Some repairs are needed.

ROOF STRUCTURE: Wood frame, build-up roofing.
CONDITION: Fair. A bonded and insured contractor should be hired to evaluate condition and make repairs.

DOORS, WINDOWS, ETC.: Wooden doors, and aluminum frame windows.
CONDITION: Extremely poor. All doors and glass on windows need to be replaced.

MEANS OF EGRESS: Does not meet code.
CONDITION: Poor.

PLUMBING: Extremely poor. A licensed plumber should be hired to replace system.

ELECTRICAL: Extremely poor. A licensed electrical contractor should be hired to bring system up to code.

MECHANICAL: Non-existent. A licensed mechanical contractor should be hired to make repairs to comply with code.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: 0

WARNING POSTED: Yes **BARRICADED:** No **POLICE AID REQD.:** No

REMARKS: The structure should be boarded and secured until the property is rehabilitated and the property cleaned of all weeds, trash and debris. A structural engineer should be hired to evaluate all structural aspects, if the structure is to be renovated.



Leo Casso-Lopez
Building Inspector

20040128 TC8006 CITY OF EL PASO TAX OFFICE - ACCOUNT STATUS 094848

ACCOUNT G56999900105600
UNITS:01 03 06 07 08
ROCHA, ROSA I
ROCHA, ANA A
9225 SORBONNE DR

AMT DUE AS OF: 20040128 ROLL R ALT OWN
OMIT(-)/SEL(+)
1 GOVERNMENT HILL
LOT 17
(3500 SQ FT)

EL PASO		TX 79907-3351				3732 TULAROSA AVE	
ACRES	.0803	PARCEL ADDRESS				TOTAL DUE	
YEAR	GROSS VAL	HOVDFAER	RCVL LEVY	REM LEVY	FEES	PAYMENTS	
2003	36981	X	862.55	862.55		.00	862.55
2002	36981	Y	855.67	04/30/2003	94.11	949.78	.00
2001	36981	Y	842.98	04/30/2003	388.19	1231.17	.00
2000	51120	Y	1224.61	04/30/2003	732.95	1957.56	.00
1999	51120	Y	1218.96	04/28/2000	134.10	1353.06	.00
1998	51120	Y	1252.81	04/28/2000	576.93	1829.74	.00

TOTAL		862.55	862.55	.00		
LAST PAYOR OWNER					PAGE TOTAL	862.55
					CUMULATIVE TOTAL	862.55
ENTER NEXT ACCOUNT						

File Edit View Window Help

Mail New Open Task List OK

Clear View Add Delete Sign Off Print Document

Code Enforcement

Name: ROCHA, DOMINGO E & MARIANA R Updated: 10/16/2003 CC

Address: 3732 TULAROSA AVE

General

Description

Open and

Description	Menu Code	Date1	Date2	Date3	Disp	Done By/Notes
Complaint Received	A0010			9/25/2003		RL
Enforcement Inv Report	A5			9/25/2003		
Refer to Fire	E0040	9/29/2003	9/29/2003	10/2/2003	DONE	933 there are two structures
30 Day Notice	C605			9/26/2003		LCL Letter was mailed on 9

Complaint

Resp

Leo C

View / Edit Activity

Activity: 0040 Desc: Refer to Fire Updated: 12/3/2003 933

Disposition: DONE Hold Level: No hold

Dates

Date Referred: 9/29/2003 Calendar Tag: FDCM

Date Received: 9/29/2003 Report Tag:

Date Completed: 10/2/2003 Assigned To: 933

Done By: 933

Notes:

there are two structures on this lot, front main structure is open and unsecured. rear cinder-block apartment building is also open and unsecured and poorly maintained. structures in overall poor condition. structures must be secure until demolition or needed repairs are conducted.

OK

Help

EL PASO CITY-COUNTY HEALTH & ENVIRONMENTAL DISTRICT

ENVIRONMENTAL HEALTH

M E M O R A N D U M

DATE: October 1, 2003

MEMO TO: Tom Mcguire, Housing Compliance Supervisor

FROM: Samuel Jarvis, Sr. Environmental Health Inspector

SUBJECT: Condemnation Report

Re: 3732 Tularosa Avenue

An inspection of the property was conducted on October 1, 2003 and the conditions checked were found in violation of Title 9 - Health and Safety, El Paso Municipal Code.

SECTION 9.04 - SOLID WASTE STORAGE AREA

Trash was noted around the solid waste storage area.

SECTION 9.04.340 - ACCUMULATIONS

High vegetation, debris and trash

SECTION 9.16 - NUISANCE

Eye sore to the public; high vegetation

SECTION 9.16.010 - DESIGNATED

Building is unsecured, broken windows and structural damage were noted.

SECTION 9.28 - RAT CONTROL

N/A

If you require additional assistance on this matter, please call me at (915) 860-2378 or Fax (915) 860-1081.